IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 5104 of 2006(G)

PETITIONER:

T.P.ALEYAS, THEKKEL PLAPPUZHA HOUSE,
MEKADAMBU, MUVATTUPUZHA.

BY ADV. SRI.JOMY GEORGE

RESPONDENTS:

1. **ASSISTANT EXECUTIVE ENGINEER,**
   HARBOUR ENGINEERING SUB DIVISION,
   THOTTAPPALLY, ALAPPUZHA.

2. **CHIEF ENGINEER,**
   HARBOUR ENGINEERING DIVISION,
   THIRUVANANTHAPURAM.

3. **DEPUTY DIRECTOR OF FISHERIES,**
   ALAPPUZHA.

4. **DIRECTOR OF FISHEREIS,**
   THIRUVANANTHAPURAM.

5. **STATE OF KERALA, REPRESENTED BY**
   CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVT.PLEADER SMT. K.R. DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIXD

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE AGREEMENT ENTERED WITH THE PETITIONER AND THE 1ST RESPONDENT DTD. 15/10/2003.**
EXT.P2:	**COPY OF THE LEGAL NOTICE SENT BY THE PETITIONER ON 6TH JUNE 2005.**
EXT.P3:	**COPY OF THE REPLY SENT BY THE 1ST RESPONDENT TO EXHIBIT P2 LEGAL NOTICE DTD. 20/06/2005.**

/TRUE COPY/

Kss

KURIAN JOSEPH J.

W.P(C)No.5104 of 2006

Dated this the 14th day of February, 2007

JUDGMENT

The writ petition is filed praying for a direction to settle the bill amounts along with interest. The learned Government Pleader, referring to the statement, submits that only due to paucity of funds the payments could not be made. The work is seen executed on 9-10-2003. Being a deposit work there will be a direction to respondents 3 and 4 to make available the necessary funds within a period of one month from the date of receipt of a copy of this judgment and thereafter the first respondent will disburse the admitted amounts to the petitioner within another one month. The question of interest is left open to be pursued before the civil court in which event the time taken for prosecuting this writ petition will be excluded while computing the period of limitation.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.